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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,626	11/30/2000	Arthur Wong	7880M	5406

27752 7590 06/22/2004

THE PROCTER & GAMBLE COMPANY
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EXAMINER

COLE, ELIZABETH M

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/729,626	WONG ET AL.	
	Examiner	Art Unit	
	Elizabeth M. Cole	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6,11-18,21-25,31-3437-38,47-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,11-18,21-25,31-3437-38,47-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/5/04 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6, 11-14, 49-52, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenway, U.S. Patent No. 5,281,461. Greenway discloses a nonwoven polyester fabric which is hydro entangled in order to form a uniform pattern of protuberances. See col. 3, lines 3-14 and example 1. Greenway teaches carding of polyester staple fibers before hydroentangling is conventional. See col. 1, lines 25-42 and col. 4, lines 56-61. Greenway differs from the claimed invention because it does not disclose the precise patterns claimed and does not disclose the average height differential. However, Greenway does teach that the pattern on the fabric will directly reflect the pattern on the forming surface. Therefore, it would have been obvious to one of ordinary skill in the art to have selected the appropriate patterns which would produce the desired characteristics such as softness, hand, etc in the final product.

4. Claims 1-3, 6, 11-14, 49-52, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenway, U.S. Patent No. 5,281,461 in view of WO 99/07273. Greenway discloses a

nonwoven fabric as set forth above. The fabric of Greenway is useful for forming wipes. See col. 2, lines 20-32. Greenway does not disclose the claimed surface topography although Greenway does teach that the pattern of the fabric is controlled by the pattern of the forming member. WO '723 teaches that the particularly claimed pattern and surface topography results in a superior wipe. See page 3, last paragraph through page 4. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the fabric of Greenway so that it comprised the surface topography taught by WO '723. One of ordinary skill in the art would have been motivated by the expectation of forming a wipe having superior cleaning abilities as taught by WO '723.

5. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenway as applied to claims above, and further in view of Shizumo et al, U.S. Patent No. 5,525,397.

Green way does not teach incorporating a scrim into the fabric. Shizumo et al teaches that a hydro entangled nonwoven may have a scrim further incorporated into it in order to strengthen and stabilize the fabric and allow for the formation of a nonwoven which has excellent cleaning ability. See col. 1, line 36- col. 2, line 6. . The scrim may comprise a polyolefin such as polypropylene. See col. 3, lines 39-47. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a scrim as taught by Shizumo into the fabric of Greenway. One of ordinary skill in the art would have been motivated to incorporate a scrim into the nonwoven of Greenway because Shizumo teaches that this strengthens and stabilizes the fabric and enhances the cleaning ability of a nonwoven fabric.

6. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenway in view of WO 99/07273 as applied to claims above, and further in view of Shizumo et al, U.S.

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Patent No. 5,525,397. Green way does not teach incorporating a scrim into the fabric. Shizumo et al teaches that a hydro entangled nonwoven may have a scrim further incorporated into it in order to strengthen and stabilize the fabric and allow for the formation of a nonwoven which has excellent cleaning ability. See col. 1, line 36- col. 2, line 6. . The scrim may comprise a polyolefin such as polypropylene. See col. 3, lines 39-47. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a scrim as taught by Shizumo into the fabric of Greenway. One of ordinary skill in the art would have been motivated to incorporate a scrim into the nonwoven of Greenway because Shizumo teaches that this strengthens and stabilizes the fabric and enhances the cleaning ability of a nonwoven fabric.

7. Claims 21-25, 53-55, 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenway in view of Shizumo as applied to claims above, and further in view of Floyd et al, , U.S. Patent No. 4,683,001 Neither Greenway nor Shizumo teach applying a polishing composition to the nonwoven. Floyd teaches that a polishing composition comprising mineral oil and waxes may be applied to a nonwoven sheet in order to enhance the cleaning ability of the sheet. See abstract. The amount applied in example 4 of 3.9% by weight of the wipe meets the claimed amounts. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a polishing agent such as the one taught by Floyd into the nonwoven fabric. One of ordinary skill in the art would have been motivated to incorporate the polishing agent because this would enhance the polishing and wiping ability of the nonwoven and obviate the need for additional cleaners, etc., to be used with the wipers.

8. Claims 21-25, 53-55, 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenway in view of WO 99/07273 and Shizumo as applied to claims above, and further in

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view of Floyd et al, , U.S. Patent No. 4,683,001 Neither Greenway nor Shizumo teach applying a polishing composition to the nonwoven. Floyd teaches that a polishing composition comprising mineral oil and waxes may be applied to a nonwoven sheet in order to enhance the cleaning ability of the sheet. See abstract. The amount applied in example 4 of 3.9% by weight of the wipe meets the claimed amounts. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a polishing agent such as the one taught by Floyd into the nonwoven fabric. One of ordinary skill in the art would have been motivated to incorporate the polishing agent because this would enhance the polishing and wiping ability of the nonwoven and obviate the need for additional cleaners, etc., to be used with the wipers.

9. Claims 31-34, 37-38, 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenway in view of Shizumo as applied to claims above, and further in view of Lin, U.S. Patent No. 5,280,664. Neither Greenway nor Shizumo teach putting the nonwoven onto a handle. Lin teaches that nonwoven fabrics may be affixed to handles, used and then removed and disposed of. Therefore, it would have been obvious to one of ordinary skill in the art to have affixed the nonwoven fabric to a handle in order to form a cleaning implement with a replaceable wiper. One of ordinary skill in the art would have been motivated to affix the nonwoven to a handle in order to form a cleaning implement because the use of a handle enables the nonwoven wipe to be used to clean surfaces such as floors, wall, ceilings, etc., which it would be uncomfortable or inconvenient to clean using a wiping cloth alone.

10. Claims 31-34, 37-38, 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenway in view of WO 00/07273 in view of Shizumo as applied to claims above, and

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further in view of Lin, U.S. Patent No. 5,280,664. Neither Greenway nor Shizumo teach putting the nonwoven onto a handle. Lin teaches that nonwoven fabrics may be affixed to handles, used and then removed and disposed of. Therefore, it would have been obvious to one of ordinary skill in the art to have affixed the nonwoven fabric to a handle in order to form a cleaning implement with a replaceable wiper. One of ordinary skill in the art would have been motivated to affix the nonwoven to a handle in order to form a cleaning implement because the use of a handle enables the nonwoven wipe to be used to clean surfaces such as floors, wall, ceilings, etc., which it would be uncomfortable or inconvenient to clean using a wiping cloth alone.

11. Claims 47-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenway in view of Shizumo as applied to claims above, and further in view of Floyd et al, , U.S. Patent No. 4,683,001 and Lin, U.S. Patent No. 5,280,664. Lin teaches that nonwoven fabrics may be affixed to handles, used and then removed and disposed of. Therefore, it would have been obvious to one of ordinary skill in the art to have affixed the nonwoven fabric to a handle in order to form a cleaning implement with a replaceable wiper. One of ordinary skill in the art would have been motivated to affix the nonwoven to a handle in order to form a cleaning implement because the use of a handle enables the nonwoven wipe to be used to clean surfaces such as floors, wall, ceilings, etc., which it would be uncomfortable or inconvenient to clean using a wiping cloth alone.

12. Claims 47-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenway in view of WO 99/07273 in view of Shizumo as applied to claims above, and further in view of Floyd et al, , U.S. Patent No. 4,683,001 and Lin, U.S. Patent No. 5,280,664. Lin teaches that nonwoven fabrics may be affixed to handles, used and then removed and disposed of. Therefore,

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it would have been obvious to one of ordinary skill in the art to have affixed the nonwoven fabric to a handle in order to form a cleaning implement with a replaceable wiper. One of ordinary skill in the art would have been motivated to affix the nonwoven to a handle in order to form a cleaning implement because the use of a handle enables the nonwoven wipe to be used to clean surfaces such as floors, wall, ceilings, etc., which it would be uncomfortable or inconvenient to clean using a wiping cloth alone.

13. The amendment to the independent claims reciting the particulars of the claimed pattern is sufficient to overcome the 102(b) rejection.

14. Applicant's arguments filed 4/5/04 have been fully considered but they are not persuasive. Applicant argues that inherency may not be established by probabilities or possibilities and that what is inherent may not be known and that obviousness cannot be predicated on the unknown. However, the rejection over Greenway is not predicated on inherency but rather on the teaching of Greenway that the pattern of the forming member is reflected in the pattern of the fabric, in combination with the teaching of Greenway that the pattern of the fabric is directly related to its hand, softness etc. Therefore, the rejection is maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (571) 272-1475. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (571) 272-1478.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

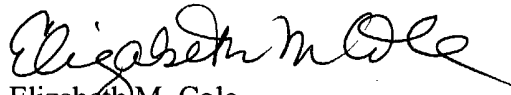
Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

The fax number for all official faxes is (703) 872-9306.

A handwritten signature in black ink, appearing to read "Elizabeth M. Cole", with a stylized flourish at the end.

Elizabeth M. Cole
Primary Examiner
Art Unit 1771

e.m.c